

CISG vs. Regional Sales Law Unification

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With a Focus on the
New Common European Sales Law

edited by
Ulrich Magnus

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sellier european law publishers

ISBN (print) 978-3-86653-230-4

ISBN (eBook) 978-3-86653-966-2

The Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic data are available on the Internet at <http://dnb.dnb.de>.

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Production: Karina Hack, Munich. Typesetting: fidus Publikations-Service GmbH, Nördlingen. Printing and binding: AZ Druck und Datentechnik GmbH, Kempten. Printed on acid-free, non-ageing paper. Printed in Germany.

Foreword

This book unites the papers presented at a conference that took place on 11 and 12 May 2012 at the Max-Planck-Institute in Hamburg. The publication of the Proposal for a Common European Sales Law (CESL) by the European Commission on 11 October 2011 gave reason to reconsider the relationship between the global unification of the law for international sales of goods and the different approaches and attempts to maintain or introduce regionalised uniform sales law. The global perspective is represented by the United Nations Convention on Contracts for the International Sale of Goods of 1980 (CISG); the regional perspective focussed on the new CESL Draft and how it compares to the situation in the United States with its coexistence of CISG and Uniform Commercial Code, in Australia where the rivalry is between the CISG and the all-embracing Common Law as well as in the African OHADA (Organisation pour l'Harmonisation en Afrique du droit des Affaires) whose Member States enacted a CISG-light version as mandatory law.

It was a particular advantage of the conference that renowned experts, in particular from the United States and Australia, could authentically describe and assess in which way their countries and regions coordinate international and regional sales law unification. But also the audience assembled scholars not only from Germany but also from other European countries and even from Japan and Vietnam. The interest also of extra-European countries in CESL and how Europe organises its variant of a co-existence of global and regional sales law is remarkable.

The editor owes many thanks to many: first of all to the speakers who delivered the paper version of their contributions more than punctual and thus enabled the prompt publication. Thanks are also due to sellier european law publishers and there in particular to Andreas Pittrich for supporting the publication in the best possible way. Last but not least I want to thank the Max-Planck-Institute in Hamburg and its very supportive and effective staff for hosting the conference.

Hamburg in May 2012

Ulrich Magnus

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